

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

LESTER D. BUFKIN,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:07-CV-333 PS
)	
WILLIAM WILSON,)	
)	
Respondent.)	

OPINION AND ORDER

Lester D. Bufkin, a *pro se* prisoner, filed a petition for a Writ of Habeas Corpus on July 18, 2007. Previously, on June 5, 2007, he filed a habeas corpus petition challenging the same murder charge arising out of events on July 1, 2005. *See Bufkin v. Wilson*, 3:07-CV-264 (N.D. Ind. filed June 5, 2007). Whatever challenges he seeks to bring must be brought in the same proceeding. Regardless of whether the claims that he is attempting to present in this case are new or whether they were presented in his previous petition, this petition must be dismissed. “A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.” 28 U.S.C. § 2244(b)(1). Therefore any claims previously presented must be dismissed. Additionally, for any claim not previously presented,

Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

28 U.S.C. § 2244(b)(3). Here, Bufkin has not obtained an order from the court of appeals permitting him to proceed with any previously unrepresented claims. “A district court must dismiss a second or successive petition . . . unless the court of appeals has given approval for its filing.” *Nunez v. United*

States, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original). Therefore any previously unrepresented claims must also be dismissed.

For the foregoing reasons, this case is **DISMISSED**.

SO ORDERED.

ENTERED: July 30, 2007

s/ Philip P. Simon
Philip P. Simon, Judge
United States District Court